

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

REC'D '08 JUL 10 11:44 JSDC-ORE

CASE NO. (UNK)

Parties:

I A Name of plaintiff: Andrew David Foster ADOH (UNK) ADDRESS: 115 JACKSON ST Albany, OR 97322

Name of defendant: Tim Mueller

B Position: Sheriff of Linn County Oregon

Place of Employment: Linn County Oregon Sheriff's Office

Address: 115 Jackson St SE Albany, OR 97322 P.O. Box 100 Albany, OR 97321

Name of Defendant: Mr. Baggett

Position: Captain

Place of employment: Linn County Jail

Address: 115 Jackson St SE Albany, OR 97322

Name of defendant: Mr. Tilley

Position: Physician

Place of employment: Linn County Jail

Address: 115 Jackson St SE Albany, OR 97322

II I am suing defendants in both their official and personal capacity.

III I have never filed any previous lawsuits.

A N/A

B N/A

IV I am currently confined in Linn County Jail.

V At the time of the alleged incident(s), I am serving a sentence of 16 months probation.

II A Yes, I presented my complaints using the grievance process.

C They (Linn County Jail) have refused to provide me with a copy of my original (first) form filed out as part of the final process of the grievance procedure; said form was on appeal to the Sheriff, was released and have since returned and am being subjected to the same treatment that warranted the initial grievance. I have a copy of that appeal form. The reason for this is that now the forms are provided with carbon copies, as where before, they were not.

VII Statement of claim:

On 05/01/08 I was admitted to Linn County Jail for a sentence of 90 days for contempt of court. I brought in with me a prescription bottle with my name clearly printed on the label with the prescribing doctor's name and other relevant information. There was a full month's worth of medication (30 doses) within the bottle. This medication is called Geodon, which I am regularly given in treatment for my mental illness, being chronic affective. Upon arriving to this (said) facility, I was refused both my medication I had provided for myself, or a substitute of the same type of medication by the practicing physician, Dr. Tilley. His decision was upheld by both Capt. Baggett (then acting Jail Commander), and Sheriff Tim Mueller. This was in spite of the fact that recommendations were made by Dr. Nelson, (who is sub-contracted by Linn County Jail from Linn County Mental Health Department) for the purpose of making such determinations as to both diagnosis and best course of treatment for said diagnosis of inmates incarcerated within Linn County Jail, that I receive my regular medication, Geodon. Also, it was determined by an independent evaluation that was taken in regards to my ability to "aid and assist" in my defense for a pending trial, that I ~~also~~ be given my regular medication, being Geodon, as well as something for my anxiety. I am normally given Ativan for my anxiety, but again, due to current practices at Linn Co. Jail, I am refused that as well. I was released on 05/10/08 and returned to Linn Co. Jail's custody on 05/23/08, where I was given the same treatment, and again, refused my regular medication, even though I provided an order

VIII Relief:

I am entitled \$55,000 (fifty-five thousand dollars) for the first day I was re-
fused my regularly prescribed medications, and \$110,000 (one hundred and ten
thousand dollars) for each subsequent day I am ~~am~~ withheld such medication.
As this is an on-going incident, and accumulative in it's total, I cannot, at
this time, provide an exact figure. I would also like to be granted injunctive
relief against continued incarceration in this facility (Linn County Jail) under
these conditions (being denied my regular medication). Further, I would ask
that a change in current policy be ordered by the court so that future ab-
uses of this nature are not an occurrence that inmates, such as myself,
will be subjected to.

I declare, under penalty of perjury (18 USC § 1621), that the foregoing is true
and correct.

I invoke my right to preserve all my state and federal right that are ent-
itled to me and of which I may be unaware, as I am uneducated of
such things, and I am not afforded the means of proper representation of know-
ledgeable counsel and am denied access to such legal materials that
would further assist my cause in this regard by the policies and prac-
tices of the institution I am currently incarcerated in, said facility bei-
ng Linn County Jail.

Executed on this day:

Andrew D. Easter



July 8th, 2008

LINN COUNTY SHERIFF'S OFFICE GRIEVANCE APPEAL

Grievance Appeal # 08-0027B

Inmate's Name ANDREW ENSTOR SO# 1125A Housing # G-240

Appeal Type (Check one) Regular ☒ Emergency, due to possible harm _____
(include in comments reason for emergency)

Level #1	Level #2
This appeal is to the jail commander.	This appeal is to the Sheriff.
Original grievance was dated <u>5/29/08</u> .	Original grievance was dated <u>5/29/08</u> . Appeal #2 handled by <u>STEVIAN</u> & dated <u>6/19/08</u> .

Reason why you think the grievance is not yet resolved:

PLEASE REFER TO MY ORIGINAL GRIEVANCE AND MY LEVEL #1 APPEAL. NONE
OF THE ISSUES I RAISED WERE ADDRESSED. I AM ENTITLED BY THE AMERICAN
WITH DISABILITIES ACT TO RECEIVE MY "REGULARLY PRESCRIBED MEDICATIONS."
THIS IS IN REGARDS TO BEING PLACED IN AN "INTENSIFICATION" DR. TILLEY HAS NOT
THE NECESSARY EDUCATIONAL BACKGROUND TO BE FIT TO DETERMINE MY MEDICATION
ALSO IN REGARDS TO MY MENTAL ILLNESS. I HAVE RECORD OF DR. NELSON, WHO
IS CONTRACTED BY THIS JAIL TO FACILITATE SUCH DETERMINATIONS. ADVISING DR. TILLEY
TO ERITE ME (ERRON). FAILURE TO REMEDY THIS SITUATION WILL RESULT IN VIOLATIONS OF MY RIGHTS

I gave this form to AC BBS Date original grievance 5/29/08

Inmate Signature/date AK

Appeal logged by _____ DPSST _____ Date/Time _____

White- Inmate file

Pink- Jail Commander

Yellow-Inmate

Date/Time Received: 6/20/08

Receiving Officer: [Signature]

LINN COUNTY INMATE REQUEST FORM

Date: 6/20/08

REQUEST: I NEED COPIES OF THE FILING GRIEVANCE APPEAL FORMS THAT WERE FILED HERE ON AND RESPONDED TO BY: Appeals # 08-0006 #1, # 08-0006 #2, # 08-0010 #1, # 08-0010 #2, # 08-0012 #1, # 08-0012 #2. PLEASE PROVIDE THEM UPON THIS SINGLE REQUEST. IT IS PART OF MY PENDING LEGAL ACTION AND NEED SO THAT I MAY PROCEED. DELAY OF AN UNREASONABLE NATURE WILL RESULT IN IMPEACHING UPON MY RIGHTS TO DUE PROCESS ENTITLED TO ME IN THE CONSTITUTION OF THE UNITED STATES. SUCH AN OCCURANCE WOULD PROMPT ME TO TAKE FURTHER ACTION AGAINST YOURSELF AND/OR STAFF INVOLVED IN UPHOLDING, OR ESTABLISHING, SUCH POLICES THAT WOULD RESULT IN DIRECT VIOLATION OF MY RIGHTS. THANK YOU.

Print Name:

ANDREW ENSTICK

Block & Cell No.

A / 246

Signed:

[Signature]

REPLY:

YOU WERE PROVIDED COPIES AND THE FINAL ANSWER FROM THE SHERIFF IN MARCH

Date/Time Returned:

6-24-08

Signed:

[Signature]